

**OPINION**  
**56-60**

January 3, 1956           (OPINION)

HIGHWAY COMMISSIONER

RE: Bids - Employment Rental Agreement

We acknowledge receipt of your request for the opinion of this office as to whether or not you can, without calling for bids, enter into an employment rental agreement with a person to make available at all times, a plane for survey work, and that such person be paid for his time and the actual operating time of the plane at a negotiated rate.

Section 24-0217 of the 1953 Supplement to the North Dakota Revised Code of 1943 requires that you request bids, either by advertisement or informally depending upon the amount involved, when contracting for improvements or purchasing equipment, materials or supplies. The employment rental agreement which you have described does not appear to come within the scope of this section.

Section 24-0203 of the 1953 Supplement to the North Dakota Revised Code of 1943 requires and authorizes you to employ persons necessary for the proper transaction of the business of your office without calling for bids.

It is therefore the opinion of this office that you may enter such an employment-rental agreement without requesting bids and may do so under the authorization of section 24-0203.

LESLIE R. BURGUM

Attorney General